

OFFICE OF ATTORNEY GENERAL

MEMORANDUM

October 15, 1980

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ATTORNEY GENERAL

TO File

FROM Reed Neuman

SUBJECT Dead Creek: History of case

The case concerns an approximately one-half mile section of the Dead Creek, from Queeny Ave. at the Cahokia-Sauget border south to Judith Lane in Cahokia. The Illinois Environmental Protection Agency (IEPA) began getting scattered reports in May of this year that materials in the mostly-dry creek bed were smoldering and "glowing". It wasn't until late August, however, that IEPA learned that a nearby resident's dog died of apparent chemical burns after rolling in the creek bed. IEPA began testing the soil and water in both Dead Creek and a quarry pit pond adjacent and connected to it in this area. Tests revealed high levels of toxic metals, PCB's and various organic compounds. At IEPA's request, the Illinois Department of Transportation installed a snow fence to seal off the area. IEPA held a press conference in Cahokia on 9/24/80 to inform

the public of its findings and to detail its plans for further study. (See IEPA's 9/24/80 press release, sample result chart and map, attached, for an overview).

To that point, IEPA had only a few bits of information and anonymous tips to go on. Our office set out to contact those people who had indicated some knowledge of the situation.

On 9/22/80 Steve Woods and I interviewed Mr. Walter Allan, who owns the florist shop adjacent to the quarry pit pond. A 27-year resident, Mr. Allan had complained to IEPA in years past of discharges into the creek and pond. He also gave us the name of Roy Burnine, his ex-brother-in-law and formerly a truck driver for Harold Waggoner & Co., which until a few years ago ran a bulk commodities hauling operation out of the building adjacent to Dead Creek at Queeny Ave. (See my memo of our conversation, plus old IEPA investigation reports).

Later that day, Steve Woods and I stopped by the house of Harold Waggoner, 103 Westminster in Collinsville and spoke to him. (This was somewhat of a surprise because the consensus in the Cahokia area was that Waggoner had died.) He confirmed for us his ownership and management of the trucking business, and described it in some detail. His company worked largely for Monsanto, and hauled many of the same kinds of materials found by IEPA in Dead Creek.

He denied any dumping or rinsing of chemicals by his company into the creek. (See my memo of our conversation, attached). IEPA some years back had investigated reports that Waggoner & Co. was flushing its trucks into the creek, and had asked them to cease such practices (see IEPA investigation reports and correspondence, attached).

After IEPA's press conference on 9/24/80 in Cahokia, I talked with a Mr. Erndle, a former volunteer fire chief in Cahokia. He recounted for me incidents of fires he fought in Dead Creek, many years ago, involving chemicals and other materials (see my memo of our conversation, attached).

On 9/25/80, Steve Woods tried to contact Roy Burnine, the ex-driver for Waggoner. Mr. Burnine was away from home, but Mrs. Burnine told him that she was somewhat familiar with Waggoner's operations, and that trucks were indeed flushed out into the creek. Steve asked her to have Mr. Burnine call us. (See Steve's memo of that conversation, attached).

On 9/26/80, Steve Woods visited Pete Laumann, the man whose dog died, to get his story and names of others who might have information (see Steve's memo, attached).

On 9/29/80 I attended a meeting between IEPA and Monsanto Corp. technical people. Monsanto asked for the

meeting to analyze IEPA's sample result and to propose a further sampling program, which was agreed upon (see my memo, attached).

During this period, I have had several conversations with counsel for the Ruan Trucking Co. of Des Moines, Iowa, which is buying the Waggoner property and business on contact. I have asked them to supply me with information concerning their operations at the Waggoner facility (see my memo, attached).

Also, I have contacted the Monsanto Corp. directly in an effort to learn the identity of trucking concerns hauling finished products and/or wastes for them (see my correspondence, attached).

On 10/3/80, Steve Woods learned of a Della Schmidt, who apparently used to work for Waggoner as a secretary/"girl friday". She also apparently used to live in a trailer with her now-deceased husband right on Waggoner property, and adjacent to the creek. Steve also learned of a Claude Kilzer, now working for Rogers Cartage Co. in Sauget, who apparently used to work for Waggoner in the shop, with the duty of cleaning out trucks (see Steve's memo of 10/7/80, attached).

On 10/7/80, Steve met with Mr. Kilzer, who described the truck-cleaning process at Waggoner & Co., as well as the

kinds of chemicals they handled (see Steve's memo of that conversation, attached).

On 10/7/80, Ken Mensing of IEPA's Regional Office in Collinsville, got an anonymous call relating that a driver named Wheeler for Empire Disposal Co. told the caller he used to dump chemicals late at night into Dead Creek. Ken believes Empire (run by Mike Maney) has a contract to haul wastes for Edwin Cooper Co. of Sauget, a maker of oil additives (see my phone notes, attached).

On 10/10/80, Ken Mensing talked in his office to an unnamed person who relayed information about other possible sources of discharges into Dead Creek (see memo of my conversation with Ken, attached).

On 10/14/80, Jim Kelty of IEPA's E.R.V. called me to say he got an anonymous phone call about Bliss Oil Co. of Ellisville, Mo. Apparently Bliss has/had a contract with Monsanto to haul PCB-contaminated waste oils. The caller hinted that Bliss may have had some role in the dumping at Dead Creek (see memo of my conversation with Jim, attached).

SAUGET

